

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

LENNIE P. EARBIN,	)	
ID # 01960332,	)	
Plaintiff,	)	
	)	
vs.	)	No. 3:20-CV-2505-K-BH
	)	
SHANNON MICHELLE BAKER	)	
MILLER, et al.,	)	
Defendants.	)	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE AND**  
**DENYING MOTION FOR LEAVE TO AMEND**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the initial Findings and Conclusions of the Magistrate Judge, filed October 5, 2020 (doc. 7), and the Supplemental Findings and Conclusions, filed October 23, 2020 (doc. 15), are correct, and together they are accepted as the Findings and Conclusions of the Court. Plaintiff's Motion to Object, filed on November 30, 2020 (doc. 24), which the Court construes as Objections to the Findings, Conclusions, and Recommendation and the Supplemental Findings, Conclusions, and Recommendation of the United States Magistrate Judge, are hereby **OVERRULED, they are FRIVOLOUS.** Plaintiff's Motion for a Jury Trial, filed on November 30, 2020 (doc. 25), is likewise, **DENIED.**

In addition, the plaintiff's *Motion to Leave Court to Amend Complaint with Supporting Documents*, received on November 25, 2020 (doc. 21), is denied as futile because the plaintiff's proposed amended complaint fails for the same reasons that his prior complaints, as set out in the Findings and Conclusions. His proposed new tort, fraud, conspiracy and malicious prosecution claims arise from his 2012 prosecution and are still time-barred; seek relief against defendants who are either immune, not a state actor, or a non-jural entity; or fail to state a claim or seek relief not available in this civil rights action.

For the reasons stated in the Findings, Conclusions, and Recommendation and the Supplemental Findings, Conclusions, and Recommendation of the United States Magistrate Judge, this action will be **DISMISSED** with prejudice under 28 U.S.C. §§ 1915(e)(2)(B)(i) and 1915A(b) as frivolous and for failure to state a claim by separate judgment.

If the plaintiff files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis* and a properly signed certificate of inmate trust account.

SO ORDERED.

Signed December 11<sup>th</sup>, 2020.

  
ED KINKEADE  
UNITED STATES DISTRICT JUDGE